

# EXHIBIT

# 2

Declaration of Brice P. McCracken

1. I am the Resident Agent in Charge of the Fresno Field Office, within the San Francisco Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In my capacity as Resident Agent in Charge, I supervise Special Agents in the performance of their law enforcement duties.
2. I am familiar with the property at issue in case 14-cv-00548-JLS-BGS, specifically the seizure by ATF of 5804 EP80 firearms seized from Ares Armory on March 15, 2014.
3. These 5804 EP80 firearms seized from Ares Armory were manufactured at the direction of EP Armory and sold to ARES Armor as evidenced by invoices seized by ATF at the offices of EP Armory. Further, EP Armory does not have a Federal Firearms License (FFL) to lawfully manufacture firearms.
4. The ATF has determined that the EP80 firearms seized from Ares Armor were sufficiently manufactured to be as a receiver, which is a firearm under Title 18, United States Code, Section 921(a)(3)(B).
5. The EP80 firearms, which were manufactured at the direction of EP Armory and seized from Ares Armor, do not contain a manufacturer's marking and serial number which would allow the firearms to be traced by law enforcement.
6. There is currently a pending criminal investigation of EP Armory for the unlawful manufacture of EP80 firearms in the Eastern District of California. The EP80s seized from Ares Armor are being retained as evidence in the criminal investigation of EP Armory as the charge of the unlawful manufacture of firearms requires evidence that the property manufactured and sold to Ares Armor is firearms.
7. ATF plans to seek criminal forfeiture of all EP80 firearms, including those seized from Ares Armor, as part of the investigation of EP Armory.
8. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be 'B. McCracken', written over a horizontal line.

Brice P. McCracken